IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1543 of 2006

CHANDRA PRAKASH KANWAR
V/S
UNION OF INDIA & ORS.

Mr. KK SHAH, for the appellant / petitioner

Mr. KULDEEP MATHUR, for the respondent

Date of Order : 26.4.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Basically the grievance of the petitioner against the transfer of the petitioner from Barmer to Tinsukhia and for that purpose, the petitioner has challenged [Annexure 18] the moment order. Various submissions have been made on the ground of the petitioner has physical disability, his having suffered accident in a road traffic on 05.04.2004 at Barmer and so also on the basis of earlier ailments. The preliminary objections has been made on the side of th respondents that the petitioner is guilty of suppression of material facts inasmuch as the petitioner vide Annexure R/2, passing of the transfer order [Annexure R/1] dated 24.12.2005 had applied for various advances admissible at transfer and also applied for leave then vide Annexure R/3 the various advances were received by the petitioner including the railway fare for himself and the family. While proceeding on posting pursuant to the order

dated 24.12.2005 then vide Annexure R/4 he had also applied to carry his family along with him and requested for government accommodation which was duly forwarded and vide Annexure 6 it was ordered that the request will be considered after reporting to the Unit at permanent posting but all these facts have not been disclosed in the writ petition and on that ground alone the writ petition is liable to be dismissed. The other objection raised is that the petitioner was referred to Military Hospital, Jodhpur and further to R.N.R.Hospital as GREF to assess the effect of accident on his existing disease but he refuse to proceed and thus it was submitted that the other relief paid to the petitioner cannot be entertained by this court in writ jurisdiction. It is not in dispute that here all these objections, nothing was submitted by the learned counsel for the petitioner regarding Annexures R/2, 3, 4 etc.

Thus, the petitioner is clearly guilty of suppression of material facts, and has approached the court after virtually accepting the transfer order applying for being given advances, having received advances including the journey fare for himself and his family, and has approached this court by not disclosing these facts even on this ground alone I do not inclined to interfere in the writ jurisdiction. The writ petition having no force is, therefore, dismissed summarily.

(N P GUPTA),J.

/mamta/